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SENATE

REPORT
No. 858

AMENDING SECTION 319 OF THE IMMIGRATION AND NATIONALITY ACT TO PERMIT NATURALIZATION FOR CERTAIN EMPLOYEES OF U.S. NONPROFIT ORGANIZATIONS ENGAGED IN DISSEMINATING INFORMATION WHICH SIGNIFICANTLY PROMOTES U.S. INTEREST, AND FOR OTHER PURPOSES

DECEMBER 6, 1967.—Ordered to be printed

Mr. EASTLAND, from the Committee on the Judiciary,
submitted the following

REPORT

[To accompany H.R. 2138]

The Committee on the Judiciary, to which was referred the bill (H.R. 2138) to amend section 319 of the Immigration and Nationality Act to permit naturalization for certain employees of U.S. nonprofit organizations engaged in disseminating information which significantly promotes U.S. interest, and for other purposes, having considered the same, reports favorably thereon without amendment and recommends that the bill do pass.

PURPOSE OF THE BILL

The purpose of the bill is to provide that the period of residence abroad in the employ of certain U.S. nonprofit organizations engaged in disseminating information which significantly promotes U.S. interests shall be considered as constructive residence and constructive physical presence in the United States for naturalization purposes.

STATEMENT

The general requirements for naturalization are in section 316(a) of the Immigration and Nationality Act, as amended. That section reads as follows:

SEC. 316. (a) No person, except as otherwise provided in this title, shall be naturalized unless such petitioner, (1)

immediately preceding the date of filing his petition for naturalization has resided continuously, after being lawfully admitted for permanent residence, within the United States for at least five years and during the five years immediately preceding the date of filing his petition has been physically present therein for periods totaling at least half of that time, and who has resided within the State in which the petitioner filed the petition for at least six months, (2) has resided continuously within the United States from the date of the petition up to the time of admission to citizenship, and (3) during all the periods referred to in this subsection has been and still is a person of good moral character, attached to the principles of the Constitution of the United States, and well disposed to the good order and happiness of the United States.

Section 316(b) provides that absence from the United States for a period of a year or more breaks the continuity of residence for naturalization.

There are employees of certain U.S. nonprofit organizations such as Free Europe, Inc., which operates Radio Free Europe and Radio Liberty Committee, who have been admitted to the United States for permanent residence but by virtue of their employment are necessarily regularly stationed abroad and thus are unable to satisfy the physical presence requirement and, in some cases, the residence requirement to be eligible for naturalization.

This bill will permit such employees to be absent from the United States for periods in excess of 1 year without breaking the continuity of the required 5-year period of continuous residence in the United States prescribed in section 316(a), and will waive the required 30 months of physical presence within that period and the required 6-month period of residence within a particular State, the loss of continuity of residence for remaining out of the United States for a year or more, thereby permitting the naturalization of the persons contemplated.

The persons who will be affected must have been admitted to the United States for permanent residence in accordance with all provisions of law, must have been continuously employed for a period of not less than 5 years after such admission for permanent residence, by the specified organizations, and with the exception of the residence and physical presence requirements, must satisfy all provisions of law relating to naturalization. This includes good moral character and attachment to the principles of the Constitution of the United States.

In hearings on this bill before the Immigration and Nationality Subcommittee of the Committee on the Judiciary of the House of Representatives, testimony was received from officials of the Department of Justice, the Department of State, Free Europe, Inc., and Radio Liberty Committee. The witnesses emphasized that only employees of specified organizations recognized by the Attorney General would be encompassed within the provisions of this legislation. It was developed that approximately 117 people would be eligible for the constructive residence and physical presence benefits.

The organizations which will presently qualify under the terms of this bill are Free Europe, Inc., which operates Radio Free Europe and Radio Liberty Committee, both of which perform highly useful re-

search and analysis of developments in Eastern Europe and the Soviet Union, respectively. They conduct extensive radio broadcasting programs overseas in local languages which are heard by millions of people. This service substantially enlarges the amount of factual information available to inhabitants of these countries and affords them an opportunity to hear other than officially approved comment on public affairs from their own governments. There is no doubt that this penetration into countries ruled by Communist regimes promotes the interests of the United States.

Radio Free Europe, and Radio Liberty Committee could not achieve such effect without the assistance of employees who are emigres from the countries addressed. It is a paradox that some of these individuals who aspire to become U.S. citizens are, under existing law, unable to do so without giving up the work which constitutes a valuable service to the United States. The committee is confident that these two organizations, under the direction of distinguished Americans, are operating effectively and respectably.

The persons who will benefit by this bill formerly held positions of prominence and stature in their native countries. Many have suffered under communism. They have worked under American management and supervision, some for as long as 16 years. They are all idealistically motivated and are persons of proven ability and dedication to the best interests of the United States. It is only their employment outside of the United States which has prevented their naturalization as U.S. citizens. In order to continue their permanent residence status in the United States, they have secured reentry permits and have returned to the United States for short periods every 2 years.

Under existing provisions of the Immigration and Nationality Act, periods of residence abroad by certain employees of the U.S. Government, of American institutions of research, of American firms or corporations engaged in the development of foreign trade and commerce, and of certain public international organizations are recognized as constructive residence in the United States for naturalization purposes under specified conditions. Under the provisions of section 316(b) of that act, a person who is engaged in such employment after having been lawfully admitted for permanent residence and who has resided and been physically present in the United States for an uninterrupted period of 1 year may preserve the continuity of his residence in the United States for naturalization purposes while residing abroad if he establishes to the satisfaction of the Attorney General that his absence from the United States is required in connection with such employment. While such periods of residence abroad are recognized as constructive residence for naturalization purposes, it is only in the case of the employee of the U.S. Government that the periods of time spent abroad may also be recognized as constructive physical presence.

The minister, priest, missionary, brother, nun, or sister engaged in religious activities abroad obtains both constructive residence and constructive physical presence benefits for naturalization under section 330 of the Immigration and Nationality Act.

The spouse of a U.S. citizen employed by the U.S. Government, an American institution of research or an American firm or corporation engaged in the development of foreign trade, or who is performing ministerial or priestly functions or who is engaged as a missionary may be naturalized immediately following a lawful admission for

permanent residence without any residence or physical presence whatsoever under the provisions of section 319(b) of the Immigration and Nationality Act, if the spouse is regularly stationed abroad in such activity.

On June 6, 1966, the then Deputy Attorney General submitted a report to the chairman of the Committee on the Judiciary of the House of Representatives relating to a similar bill, H.R. 14545 pending in the 89th Congress, which reads as follows:

OFFICE OF THE DEPUTY ATTORNEY GENERAL,
Washington, D.C., June 6, 1966.

Hon. EMANUEL CELLER,
*Chairman, Committee on the Judiciary,
House of Representatives, Washington, D.C.*

DEAR MR. CHAIRMAN: This is in response to your request for the views of the Department of Justice on H.R. 14545, a bill to amend section 319 of the Immigration and Nationality Act to permit naturalization for certain employees of U.S. nonprofit organizations engaged in disseminating information which significantly promotes U.S. interest, and for other purposes.

The bill would amend section 319 of the Immigration and Nationality Act (66 Stat. 244; 8 U.S.C. 1430), by adding an additional subsection (c). Its effect would be to exempt certain aliens from the residence and physical presence requirements necessary to qualify aliens for naturalization as set forth in section 316 of the Immigration and Nationality Act as amended (8 U.S.C. 1427). In general, the requirements of section 316 are: (1) 5 years of continuous residence in the United States following lawful admission for permanent residence; (2) physical presence in the United States for at least one-half of the 5-year period; and (3) 6 months' residence within the State where the petition for naturalization is filed. Under certain conditions exemption from the residence requirements but not from the physical presence requirements are accorded to certain employees of American institutions of research, business, or commercial firms, and public international organizations (8 U.S.C. 1427(b)). Also, exemption from some of the physical presence requirements are accorded employees of the Central Intelligence Agency (8 U.S.C. 1427(c)).

The bill would exempt from the usual naturalization requirements relating to residence, and physical presence, any person who (1) is employed by a bona fide U.S. incorporated nonprofit organization which is principally engaged abroad in disseminating, through communications media, information which significantly promotes U.S. interests abroad, which is recognized as such by the Attorney General, (2) has been so employed continuously for a period of at least 5 years, (3) files his petition for naturalization while so employed or within 6 months following the termination thereof, (4) who is in the United States at the time of naturalization, and (5) who declares before the naturalization court in good faith an intention to take up residence within the United States immediately upon termination of such employment. In style and content, the bill is similar to existing section 319(b) of the Immigration and Nationality Act which grants comparable exemptions in connection with the naturalization of certain married persons whose spouses are employed abroad by designated U.S. firms, corporations, or organizations, including institutions of research recognized as such by the Attorney General.

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The Department of Justice has no objection to the enactment of this legislation.

The Bureau of the Budget has advised that there is no objection to the submission of this report from the standpoint of the administration's program.

Sincerely,

RAMSEY CLARK,
Deputy Attorney General.

The following report dated June 1, 1966, relating to H.R. 14545, 89th Congress was submitted by the Department of State to the chairman of the Committee on the Judiciary of the House of Representatives:

JUNE 1, 1966.

Hon. EMANUEL CELLER,
*Chairman, Committee on the Judiciary,
House of Representatives.*

DEAR MR. CHAIRMAN: This is in response to your letter of April 21, 1966, requesting a report on H.R. 14545, to amend section 319 of the Immigration and Nationality Act to permit naturalization for certain employees of U.S. nonprofit organizations engaged in disseminating information which significantly promotes U.S. interests and for other purposes.

The Department of State perceives no objection to this proposed legislation. However, the subject matter of the bill is one which would be administered exclusively by the Department of Justice, and we would, therefore, defer to their views.

We have been advised by the Bureau of the Budget that from the standpoint of the administration's program there is no objection to the submission of this report.

Sincerely,

DOUGLAS MACARTHUR II,
Assistant Secretary for Congressional Relations.

The committee, after consideration of all the facts, is of the opinion that the bill (H.R. 2138) should be enacted.

CHANGES IN EXISTING LAW

In compliance with subsection 4 of rule XXIX of the Standing Rules of the Senate, changes in existing law made by the bill, as reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new material is printed in italic, while existing law in which no change is proposed is shown in roman):

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TITLE III—NATIONALITY AND NATURALIZATION

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CHAPTER 2—NATIONALITY THROUGH NATURALIZATION

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§ 319. Married persons and employees of certain nonprofit organizations

SECTION 319 OF THE IMMIGRATION AND NATIONALITY ACT

MARRIED PERSONS AND EMPLOYEES OF CERTAIN NONPROFIT ORGANIZATIONS

SEC. 319. (a) Any person whose spouse is a citizen of the United States may be naturalized upon compliance with all the requirements of this title except the provisions of paragraph (1) of section 316(a) if such person immediately preceding the date of filing his petition for naturalization has resided continuously, after being lawfully admitted for permanent residence, within the United States for at least three years, and during the three years immediately preceding the date of filing his petition has been living in marital union with the citizen spouse, who has been a United States citizen during all of such period, and has been physically present in the United States for periods totaling at least half of that time and has resided within the State in which he filed his petition for at least six months.

(b) Any person, (1) whose spouse is (A) a citizen of the United States, (B) in the employment of the Government of the United States, or of an American institution of research recognized as such by the Attorney General, or of an American firm or corporation engaged in whole or in part in the development of foreign trade and commerce of the United States, or a subsidiary thereof, or of a public international organization in which the United States participates by treaty or statute, or is authorized to perform the ministerial or priestly functions of a religious denomination having a bona fide organization within the United States, or is engaged solely as a missionary by a religious denomination or by an interdenominational mission organization having a bona fide organization within the United States, and (C) regularly stationed abroad in such employment, and (2) who is in the United States at the time of naturalization, and (3) who declares before the naturalization court in good faith an intention to take up residence within the United States immediately upon the termination

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of such employment abroad of the citizen spouse, may be naturalized upon compliance with all the requirements of the naturalization laws, except that no prior residence or specified period of physical presence within the United States or within the jurisdiction of the naturalization court or proof thereof shall be required.

(c) *Any person who (1) is employed by a bona fide United States incorporated nonprofit organization which is principally engaged in conducting abroad through communications media the dissemination of information which significantly promotes United States interests abroad and which is recognized as such by the Attorney General, and (2) has been so employed continuously for a period of not less than five years after a lawful admission for permanent residence, and (3) who files his petition for naturalization while so employed or within six months following the termination thereof, and (4) who is in the United States at the time of naturalization, and (5) who declares before the naturalization court in good faith an intention to take up residence within the United States immediately upon termination of such employment, may be naturalized upon compliance with all the requirements of this Title, except that no prior residence or specified period of physical presence within the United States or any State or within the jurisdiction of the court, or proof thereof, shall be required.*

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